



VAUGHAN • BAIO

& PARTNERS

John Imbornoni, Esquire
jimbornoni@vaughanbaio.com
D: (516) 658-5839

New York Office
229 West 36th Street, 8th Floor
New York, NY 10018
P: (212) 377-5229 | F: 215-665-8300

Visit us online at
www.vaughanbaio.com

November 22, 2022

Via ECF

The Hon. Denise L. Cote
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: *Kelvis Borgen v. Larry D. Tell-Lee Jr.; and
Larry D. Tell-Lee, Jr. v. Mamadou Diallo, Global Liberty Insurance Company of New
York and Uber Technologies'*** *DLC*
Docket No.: 1:21-cv-08045-~~VSB~~-SLC *12*

Dear Judge Cote:

Please be advised that our office represents Third-Party Defendant, Uber Technologies ("Uber").

On October 28, 2022, our office submitted a letter requesting an extension of time to file a Motion to Dismiss, to November 18, 2022, while resolution was discussed with the Third-Party Plaintiff, Larry D. Tell-Lee Jr ("Third-Party Plaintiff"). The Court granted this request.

In the interim, Uber provided the Third-Party Plaintiff with the most recent address it possessed for Third-Party Defendant Mamadou Diallo ("Mamadou Diallo"). Third-Party Plaintiff then served the Third-Party Complaint at the correct address for Mamadou Diallo. On November 9, 2022, the Court extended the time for Third-Party Plaintiff to file a Motion for Default until December 22, 2022.

Also on November 9, 2022, a Notice of Electronic Filing was sent to the parties with a Docket Text of: "Set/Reset Deadlines: Motions due by 12/22/2022. (vfr)"

Since the Motion for Default and the Motion to Dismiss were the two Motions that have been discussed by the Parties, the undersigned understood the use of the plural "Motions" to reflect that both Motions were adjourned until December 22, 2022.

Third-Party Plaintiff and Uber are continuing to discuss resolution, and believe we are close to resolution. The added presence of the insurance carrier for Mamadou Diallo, which Uber has identified and provided to the Third-Party Plaintiff, would assist in such resolution.

The undersigned apologizes for any confusion and respectfully requests Uber's time to file a Motion to Dismiss also be set for December 22, 2022, while resolution is pursued.

We thank the Court for its consideration.

Respectfully Submitted,

VAUGHAN BAIO & PARTNERS

s/ John Imbornoni
JOHN T. IMBORNONI, Esq.

cc: All Counsel of Record (via ECF)

Denied.
Denise Cole
11/22/22

